SHERIFF'S FEE PAID

Accepted Service 03/20/17 SR.

IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	**Case Number: 1722-CC00610**	Special Process Server 1
Plaintiff/Petitioner: DONALD GAGE vs.	Plaintiff's/Petitioner's Attorney/Address JERRYL THOMAS CHRISTMAS 6101 DELMAR BLVD SUITE A, 2ND FLOOR SAINT LOUIS, MO 63112	Special Process Server 2 Special Process Server 3
Defendant/Respondent: TISHAURA O JONES	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	(Date File Stamp)
Nature of Suit: CC Other Miscellaneous Actions		

Summons in Civil Case

The State of Missouri to: TISHAURA O JONES
Alias: TREASURER OF THE CITY OF ST LOUIS

ST LOUIS CITY TREASURER
133 S 11TH STREET SUITE 5301
SAINT LOUIS, MO 63102

COURT SEAL OF
CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

February 27, 2017 — Date

Thomas Kloeppinger — Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with ______________ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to ______________ (name) ______________ (title).

☐ other ______________.

Served at ______________ (address)

in ______________ (County/City of St. Louis), MO, on ______________ (date) at ______________ (time).

______________ Printed Name of Sheriff or Server

______________ Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on ______________ (date).

My commission expires: ______________ Date ______________ Notary Public

Sheriff's Fees

Summons	$______
Non Est	$______
Sheriff's Deputy Salary	
Supplemental Surcharge	$ 10.00
Mileage	$______ (______ miles @ $.______ per mile)
Total	$______

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Exhibit
A

1722-CC00610

IN THE CIRCUIT COURT
CITY OF ST. LOUIS
STATE OF MISSOURI

DONALD L. GAGE,	)	
Plaintiff,	)	
v.	)	**Cause No.**
	)	**JURY TRIAL DEMANDED**
TISHAURA JONES,	)	
Defendant.	)	
Serve: St. Louis City Treasurer	)	
133 S.11th St. Ste 5301	)	
St. Louis, Mo 63102	)	

COMPLAINT

COMES NOW Plaintiff, Donald L. Gage, by undersigned counsel, and for his complaint against Defendant, Tishaura Jones states as follows:

NATURE OF ACTION, JURISDICTION, AND VENUE

1. This is a civil action under 42 U.S.C §§1981 and 1983 seeking damages against Defendant, in her official and personal capacities, for committing acts, under color of law, with the intent and for the purpose of depriving Plaintiff of rights secured under the Constitution of the United States.

2. Plaintiff brings this action for damages resulting from the unconstitutional termination of his employment with the City of St. Louis Treasurer's office on or about April 4, 2016.

3. This Court has authority to exercise jurisdiction in this matter.

4. This Court is an appropriate venue for this action for the reason that all events material to this cause occurred in the City of St. Louis State of Missouri.

PARTIES

5. Plaintiff Donald Gage ("Plaintiff Gage") is a former employee of the City of St. Louis Treasurer's office, where he was employed in the Fleet division. Plaintiff Gage was employed in a non-policy making position responsible for the transportation of Jurors from the parking garage to the Civil Courts Building up until his termination on April 4, 2016.

6. Defendant Tishaura Jones ("Defendant Jones") is the Treasurer of the City of St. Louis, an elected office in the City of St. Louis, State of Missouri.

7. Defendant Jones has authority to hire and fire employees who perform duties within the City of St. Louis Treasurer's office.

8. At all times relevant, Defendant Jones acted under color of state law.

FACTS

9. Defendant Jones filed as a candidate for Democratic Committeewoman for the 26th Ward of the City of St. Louis. The incumbent Committeewoman did not file for reelection.

10. Defendant Jones campaigned for this office with, Joseph Palm the incumbent candidate for 26th ward committeeman. Both Defendant Jones and Joseph Palm printed campaign signs and campaign literature with both their names listed as a political slate running together for the 26th Ward Committeewoman and Committeeman.

11. On March 29, 2016, the last day for filing for the election of Committeewoman and Committeeman, Plaintiff Gage filed as a candidate for Democratic Committeeman for the 26th Ward of the City of St. Louis against Joseph Palm who was running on a political slate with Defendant Jones.

12. In addition, on March 29, 2016, Missouri State Representative Karla May also filed as a candidate for Democratic Committeewoman in the 26th ward against Defendant Jones.

13. Plaintiff Gage was unaware that State Representative Karla May filed against Defendant Jones and there was no coordination between Plaintiff Gage's campaign and State Representative May's campaign.

14. Consequently, on the last day of filing, Defendant Jones learned her political slate would face a contested election, with one of the contestants, Plaintiff Gage, an employee of the Treasurer's office. Plaintiff Gage's employment at the Treasurers Office was under the control of Defendant Jones. Up until the last day of filing no one had filed in opposition to Defendant Jones's political slate.

15. Prior to Plaintiff Gage filing for 26th ward committeeman, nothing in Plaintiff Gage's employment record indicated he was not performing as expected on his job and no notice was given to him or his department suggesting his position or any positions in the department may be eliminated.

16. On Friday April 1, 2016, three days after Plaintiff Gage filed for 26th ward committeeman and fifteen minutes before his shift was scheduled to end, Plaintiff Gage received a telephone call from the Director of Human Resources in the Treasurer's Office. The Director advised him to clock out and go home and not to return to work until further notice. Plaintiff Gage was not given any explanation as to why this action was being requested by the Human Resources Director.

17. Plaintiff Gage complied with the directive from the Director and went home.

18. Five days passed without Plaintiff Gage receiving any communication from the Director of Human Resources at the Treasurer's office.

19. On the afternoon of April 7, 2016, Plaintiff Gage received a letter by U.S. mail informing him his position was eliminated and his last day of employment was the date of the letter, April 4, 2016.

20. The claim that Plaintiff Gage's position had been eliminated was false and a pretext for termination of Plaintiff's employment in political retaliation for his exercise of his First and Fourteenth Amendment rights to run for elected office and to comment on matters of public concern and/or a pretext for an effort to chill his continued exercise of such rights and/or compel his withdrawal from the race.

21. As a direct and proximate result of Defendant Jones's unjustified and unconstitutional termination of Plaintiff Gage's employment, Plaintiff suffered loss of income and employment benefits and in addition Plaintiff Gage experienced significant emotional distress and public humiliation.

COUNT I

Violation of the First Amendment Right

22. Plaintiff Gage incorporates by reference all preceding paragraphs as if fully stated herein.

23. Plaintiff has a right under the First Amendment of the United States Constitution to run for elected office.

24. Plaintiff has a right under the First Amendment of the United States Constitution to comment on matters of public concern.

25. Plaintiff's candidacy for Democratic Committeeman of the 26^{th} ward was an exercise of both of these rights.

26. Therefore, in terminating his employment in retaliation for Plaintiff Gage filing to run for elected office against Defendant Jones political slate and/or to chill his continued exercise of such rights and/or to compel his withdrawal from the race, Defendant Jones violated Plaintiff Gage's rights under the First Amendment to the United States Constitution.

COUNT II

Violation of the Constitutional Right to Equal Protection of the Law

27. Plaintiff incorporates by reference all preceding paragraphs as if fully stated herein.

28. Defendant Jones discriminated against Plaintiff Gage, in violation of his constitutional right to Equal Protection of the laws, by terminating his employment without legitimate justification or due process because he chose to run for public office against Defendant Jones political slate.

29. This unjustified unequal treatment violated Plaintiff Gage's right to Equal Protection under the Fourteenth Amendment to the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Gage requests judgment against Defendant Jones as follows:

A. For appropriate declaratory relief regarding the unlawful and unconstitutional acts and practices of Defendant Jones;

B. For appropriate compensatory damages in an amount to be determined at trial;

C. For appropriate equitable relief against Defendant Jones as allowed by the Civil Rights Act of 1871, 42 U.S.C. Section 1983, including the enjoining and permanent restraining of these violations, and direction to Defendant Jones to take such affirmative action as is necessary to ensure that the effects of the unconstitutional and unlawful employment practices are eliminated and do not continue to affect Plaintiff Gage, or others' employment opportunities;

D. For an award of reasonable attorney's fees and costs pursuat to 42 U.S.C. §1988

E. For such other and further relief to which Plaintiff Gage may show himself justly entitled.

Respectfully Submitted,

Jerryl T. Christmas, 45370
Attorney for Plaintiff
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St. Louis, Mo 63112
314-361-2500
314-361-2525 Fax